

REMARKS

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Cisco (<http://www.cisco.com/univercd/cc/td/doc/product/software/ios112/intercpt.htm>). This rejection is respectfully traversed.

It appears that the Examiner considered the Cisco publication was published in 1998 based on the copyright notice "Copyright 1989-1998 © Cisco Systems Inc." Applicant respectfully submits that the Examiner may not use the copyright notice to assert the Cisco publication's publication date, unless the Examiner can produce evidence proving that the copyright notice actually demonstrate the last time the content of a internet publication is updated by the Cisco System, Inc.. Absent credible evidence of date that the disclosure was publicly posted, the Cisco publication cannot be relied upon as prior art under 35 U.S.C. § 102(b).

Even assuming that the Cisco publication is a proper prior art under 35 U.S.C. § 102(b), Applicant submits that it fails to teach or suggest, in combination with the other limitations recited in claim 1, utilizing a firewall and communicating in the sequence of: receiving a TCP SYN connection request package from a client, then creating of a TCP SYN response package for the client, and then detecting whether a TCP SYN acknowledgement was received from the client. Applicant can find no mention of a firewall and the recited sequence in the Cisco publication. At best the TCP Intercept is

referred to only as "software" (See Description p. 235) and as a "Router" (See Debug Command p.257) in the Cisco publication.

In view of the foregoing, Applicant respectfully submits that claim 1 and its depended claims 2-5 define over the art cited by the Examiner.

REJECTION UNDER 35 U.S.C. § 103

Claims 2-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cisco (<http://www.cisco.com/univercd/cc/td/doc/product/software/ios112/intercpt.htm>). This rejection is respectfully traversed.

Applicant submits that claims 2-5, as dependent claims of claim 1, define over the art cited by the Examiner for reasons stated above.

Further, Applicant respectfully requests the Examiner provide references showing the various protocol handlings of claims 2-5 are well known in the art.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 30, 2007

By: */Joseph M. Lafata/*
Joseph M. Lafata, Reg. No. 37,166

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

JML/pfd